

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION**

IN THE MATTER OF: ) No. B-06-81640 C-13D  
Elenita Utley )  
 )  
Debtor(s) )

**ORDER GRANTING MODIFICATION OF PLAN**

On March 4, 2010, a hearing was held on Motion by the Debtor to modify her Chapter 13 plan pursuant to 11 U.S.C. §1329. At the hearing, Edward C. Boltz, Esq. appeared on behalf of the Debtor, and Richard M. Hutson II, Standing Trustee appeared. No other party appeared or objected to the Motion. The Court, after considering the Motion and having heard and considered the statements of counsel and the Trustee, finds that there is sufficient evidence of a substantial change in the Debtor's circumstances and that the modification complies with the provisions of 11 U.S.C. §1325; therefore, it is ORDERED:

1. The Motion by the Debtor pursuant to 11 U.S.C. §1329 is granted.
2. The Debtor's plan payments are scheduled at \$1,203.00 per month beginning February, 2010, and shall continue until all secured and priority claims are paid in full and the applicable commitment period is satisfied.
3. Any default in payments prior to February, 2010, under the plan is waived and the plan shall be extended to the term necessary to pay the delinquent amount.
4. John T. Orcutt, Esq. is allowed the presumptive fee of \$250.00 for services rendered in the filing of this Motion which shall be paid through the Debtor's plan.

**PARTIES IN INTEREST**

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**ALL PARTIES OF RECORD AS OF THE DATE OF THE ORDER SHALL BE  
SERVED BY THE BANKRUPTCY NOTICING CENTER**